# *CIVIL SOCIETY PERSPECTIVES ON THE RESPONSIBILITY TO PROTECT*

## **Final Report**

April 30, 2003

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# I.    EXECUTIVE SUMMARY

The release of a Report entitled the *Responsibility to Protect* by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, and the inter-governmental process being developed to promote its key findings, has provided a catelyst for consideration of a critically important question:  how should the international community respond to serious humanitarian crises involving the potential for large scale loss of life, such as genocide?

While civil society organizations were consulted in the development of the ICISS Report, the consultation process summarized below was among the first to bring the Report back to NGOs, academics and others to hear their views on its contents.  This was also one of the first opportunities for widespread discussion of the potential involvement of civil society in promoting and operationalizing the Report.  Through a variety of outreach mechanisms, the World Federalist Movement-Institute for Global Policy (WFM-IGP) has attempted to draw out the views of organizations and individuals from all regions with expertise in these areas.

As a point of departure, there was a strong emphasis among all those consulted on the critical need for the international community to become better prepared to respond to emerging conflicts involving the potential for large scale loss of life.  Unfortunately, there is consensus around the inevitability of future crises of the magnitude of Rwanda, Cambodia, East Timor, Kosovo, and so many others, giving rise to a general appreciation of the ICISS Report and its role in getting these issues back on the table.  The current international political climate is considered to be a strong hindrance to this agenda, yet this is not viewed as a reason to refuse to examine these critical questions.

The inter-governmental process to promote and operationalize the key concepts in the ICISS Report among sovereign nations was explained during this consultation process.  It involves two key aspects.  The first is operational, focusing in particular on having the Security Council refer in its work to the key aspects of the Report as well as other documents that set out the commitments of UN Member States to prevent conflict and protect civilians. The second aspect of the work emphasizes normative development, in particular the concept that sovereign nations have responsibilities as well as rights, including the 'Responsibility to Protect.' The ultimate goal is deeper engagement by the Security Council and by sovereign states in response to emerging crises that meet the threshold in the ICISS Report.

Civil society representatives consulted overwhelmingly held the view that while the development of norms is very important, this process must be allowed sufficient time to evolve.  The clear response was that the codification of norms should be a long-term goal.  Nevertheless, it was emphasized that the time does not appear ripe to move towards the development of principles for military intervention. There was also agreement that many commitments have already been made by governments to respond earlier and more

appropriately to emerging crises and thus the short-term goal must be to ensure adherence to these commitments.

Throughout the consultation process, all individuals with whom WFM-IGP discussed the ICISS Report expressed general support for its contribution to this critical debate. Strong support emerged in particular for the general principles and framework of the ICISS Report. Nevertheless, important critiques and reservations were also expressed about specific points or omissions. Others focused their comments not on genuine critiques of the content of the Report, but on concerns that it is relatively easy to achieve agreement on paper about basic principles and extremely difficult to reach consensus on their application. Interestingly, participants in several meetings raised the possibility that the Responsibility to Protect could be applied to other areas as well.

The current international political climate was inevitably the focal point of much of the discussion about challenges and opportunities, particularly in light of the on-going 'war on terrorism' and the start of the war in Iraq during this consultation process. Concerns focused on the potential of the agenda of the ICISS Report to be highjacked, the complication of the question of the legitimate use of force by "coalitions of the willing", the effect of anti-terrorism measures on the ability of NGOs to fulfill their mandates, etc. Other key concerns related to civil society skepticism about the potential of all governments to put aside national self-interest to embrace this agenda, and realistic questions about the true capacity of governments and inter-governmental bodies to respond to emerging crises even where political will exists. Challenges in getting civil society's attention to these issues were also highlighted, with the most important relating to mandates preventing a call for military intervention. Nevertheless, opportunities within both the inter-governmental and civil society communities were also highlighted, with the bottom line being the imperative to find a way to address key challenges.

Several tracks of potential NGO involvement in these issues emerged from the consultation process. The first relates to the promotion of norms. This would be focused at all levels, including the United Nations and other international organizations, regional and sub-regional inter-governmental bodies, individual governments and civil society organizations. The norms would include the moral imperative for the international community to respond to an emerging situation of the type envisaged in the ICISS Report; the change in terminology from "a right of humanitarian intervention" to a "responsibility to protect"; the continuum of appropriate responses from prevention to reaction to rebuilding; the priority of preventive measures; and perhaps the need for principles for military intervention. It should be noted that the latter remains controversial among both governments and NGOs and will need to evolve slowly through appropriate consultation and consideration in both communities.

The second track would focus on creating the political will for early and appropriate responses by governments as situations emerge, and for other options, up to and including military intervention, to be considered where these measures fail. In this regard, it is important to note that there is a substantial amount of important work already being undertaken by organizations and networks that are following and impacting the work of

the United Nations and individual governments on the prevention of conflict and protection of civilians agendas. These include, among others: the NGO Security Council Working Group; the NGO Working Group on Women, Peace and Security; the Watch List on Children and Armed Conflict; Global Action to Prevent War; the Steering Committee on Humanitarian Response; Amnesty International; CARE International; Global Policy Forum; Human Rights Watch; Oxfam International, and several others. Any additional efforts on these issues would need to build on and add value to this important work.

The third and final track would involve advocating for the strengthened capacity of individual governments and inter-governmental bodies at all levels to implement the commitments they have made on this agenda.

At the same time, the consultation process resulted in the identification of some of the challenges for NGOs working to promote meaningful action in response to emerging conflict. While many organizations are highly involved in the operational side of the prevention of conflict and protection of civilians, fewer are able to engage in advocacy roles. This is limited to a great extent by lack of human and financial resources, lack of access to decision-makers, lack of knowledge of the most effective ways of influencing the agenda of governments on these issues, gaps in coordination between those working at the United Nations and those with regional and national expertise, and gaps in information, particularly for NGOs with limited UN access.

At several meetings, the possibility of creating an NGO network on these issues was raised, and this is something which requires further consideration and discussion. One possibility raised is to create an NGO Human Security Network to work in parallel with the inter-governmental network. At one of the roundtable discussions participants took the time to discuss the potential mandate, composition and role of any network that emerged. Many emphasized that civil society organizations already play many important operational roles with respect to parts of this agenda and said there is no pressing need to ensure closer cooperation on the NGO operational side. Thus the key would be to facilitate and support efforts to hold governments accountable, again bearing in mind the need to support and enhance the consideration efforts already being undertaken.

## II.    BACKGROUND

### *The Policy Challenge*

> "…Hardly a day goes by where we are not presented with evidence of the intimidation, brutalization, torture and killing of helpless civilians in situations of armed conflict.  Whether it is mutilations in Sierra Leone, genocide in Rwanda, ethnic cleansing in the Balkans or disappearances in Latin America…[r]ebel factions, opposition fighters and Government forces continue to target innocent civilians with alarming frequency."
>> Report of the Secretary-General to the Security Council on the Protection
>> of Civilians in Armed Conflict, S/199/957, 8 September 1999

Much was written towards the end of the 20th century regarding the changing nature of conflict, with widespread recognition of its increasing toll on innocent people: children, women and men who are victims of the conflict. Mass murder, widespread rape and forced sexual slavery, the recruitment of child soldiers, the use of civilian populations as human shields, torture, disappearances, forced displacement and the use of chemical weapons are only a few of the unspeakable atrocities committed by governments, rebel groups and others in the past decades.

Awareness of these issues has led to some important developments. These include, among others, the adoption of Security Council resolutions on the protection of civilians in armed conflict and on women and peacekeeping; the strengthening of international humanitarian, human rights and refugee law; the creation of enforcement mechanisms such as the ad hoc tribunals for Rwanda and the Former Yugoslavia and the historic International Criminal Court; the adoption of a treaty banning the use of anti-personnel landmines and a protocol protecting the rights of children in armed conflict; and a greater emphasis on the prevention of conflict.

The willingness on the part of sovereign nations to create and abide by new international norms, laws and standards is having an important effect on the ability of the international community to respond in meaningful ways to humanitarian crises.  Nevertheless, these norms are still emerging and some remain controversial. In particular, questions surrounding the right of one nation to intervene militarily in response to a humanitarian crisis in another nation are still widely debated.  At the same time, the failure of the international community to respond to mass atrocities has also been deeply criticized.

> "'Humanitarian intervention' has been controversial both when it happens, and when it has failed to happen.  Rwanda in 1994 laid bare the full horror of inaction.  The United Nations (UN) Secretariat and some permanent members of the Security Council knew that officials…were planning genocide; UN forces were present…and credible strategies were available to prevent, or at least greatly mitigate, the slaughter which followed.  But the Security Council refused to take the necessary action…. Kosovo-where

> intervention *did* take place in 1999…raised major questions about the legitimacy of military intervention in a sovereign state."
>
> *The Responsibility to Protect*, Report of the International Commission on Intervention and State Sovereignty, December 2001, p.1

A predominant challenge to non-consensual military intervention is that some such interventions have in fact been undertaken to allow the intervening nation to pursue self-interested foreign policy objectives; other concerns include the failure to first exhaust non-military options, unequal attention to countries and regions on the basis of their strategic importance to the strongest military powers, a disproportionate use of force and the commission of other serious crimes during the operations.

Some of the most difficult questions surrounding this issue arise from the need to balance respect for the sovereignty of individual states with the perceived responsibility of the international community to intervene when the rights of individuals, in particular the right to life, are being threatened on a massive scale. UN Secretary General Kofi Annan highlighted this debate in his Millennium Report to the General Assembly, yet noted that "no legal principle - not even sovereignty - can ever shield crimes against humanity."

In presenting the Millennium Report to the General Assembly in September 2000, the Secretary General repeated a call he had made during the 54th General Assembly in 1999 for UN Member States to take on the task of finding this balance and developing guidelines for the response of the international community to threats of large scale loss of life.

## *The Response: The ICISS Report*

In response, the Canadian government established the International Commission on Intervention and State Sovereignty (ICISS), with the support of several major foundations. A series of roundtable discussions in different regions with representatives from governments, inter-governmental organizations, non-governmental organizations, universities, research institutes and think tanks led to a report which attempts to reframe the debate. The central premise of the report is the notion that it is the responsibility of a sovereign nation to protect the dignity and basic rights of its own citizens, and that it becomes the responsibility of the international community to react in situations "where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it." Thus the Commission proposes a change in terminology from the right of 'humanitarian intervention' to the 'responsibility to protect.'

One of the central aspects of the ICISS Report is its conclusion that the responsibility to protect comprises more than the responsibility to react under the circumstances mentioned above; equally important is the 'responsibility to prevent', addressing both root causes and direct causes of internal crises, and the 'responsibility to rebuild'. An emphasis is placed on prevention as the most important aspect of the responsibility to

protect, while the Report stresses that military intervention should always be a last resort, with the least intrusive and coercive means used as possible.

While chapters are devoted to the types of measures that constitute prevention, reaction and rebuilding, the Report is primarily focused on questions of intervention. Principles for military intervention are proposed, including the 'just cause threshold', precautionary principles (right intention, last resort, proportional means and reasonable prospects), right authority (with a strong emphasis on the UN Security Council), and operational principles. Questions about the role of the Security Council and what happens when it fails to act are examined, with another chapter devoted to the operational dimensions of military intervention.

The ICISS Report is available at www.ciise-iciss.gc.ca/report-e.asp, including a Synopsis of the Report, and a one-page overview is provided in Annex D. Please also visit www.wfm.org for a more extensive summary of the ICISS Report and an opportunity to provide your feedback.

## *Next Steps: The Inter-Governmental Process*

Officials of the Government of Canada, which is playing a lead role in the inter-governmental process on this issue, attended several of the roundtable meetings organized by WFM-IGP and met individually with WFM-IGP on several occasions throughout this consultation process. The following information was provided at these meetings.

It was explained that there are two aspects to Canada's plans with regard to the ICISS Report. The first is operational, focusing in particular on having the Security Council refer to the key aspects of the Report in its work, as well as other documents and resolutions that commit UN member states to respond to emerging crises. The second aspect of the work emphasizes normative development, in particular the concept that sovereign nations have responsibilities as well as rights, including the 'Responsibility to Protect.' The ultimate goal of these efforts is deeper engagement by the Security Council and by sovereign states in response to situations that meet the threshold in the ICISS Report.

The ICISS Report has been introduced as a UN document, resulting in its distribution to all UN Member States. It has also been placed on the formal agenda of the UN General Assembly. In the fall of 2002, Canada attempted to introduce a technical resolution committing the General Assembly to a process of deliberation about the Report, but this was met with significant resistance as some countries that take a tentative approach to these issues feared it would inevitably lead to a substantive discussion. This resolution is "still alive", yet Canada intends to engage in a long process of deliberation (possibly over a period of years) before moving to formalize any aspect of the Responsibility to Protect agenda. An event held in New York on 7 April 2003 to commemorate the Rwandan genocide, attended by approximately 60 UN Member States, was an example of the way in which these issues will be raised. There will be considerable thought given to the type

of procedural mechanism that would work best to promote the substantive agenda, for example a resolution or declaration, but it is clear that a UN Charter amendment will not be considered. A group of 'friends' ie. like-minded countries, has been established, and consideration will be given to how best to use this group and how to expand and strengthen it. The potential to make use of the inter-governmental Human Security Network will also be contemplated.

Currently, roundtables are being held in national capitals and at the UN missions in New York (examples of recent meetings include Tokyo, Bangkok and Singapore, with an upcoming conference for the Nordic/Baltic region). Canada is also working to engage parliamentarians through international networks such as Parliamentarians for Global Action, and promoting academic discussions. With respect to the latter, it was noted that it has become more a matter of tracking what is happening as there is widespread interest in the ICISS Report. Better engagement of the media is also a priority.

The approach of the Government of Canada has been to emphasize that the ICISS Report is about more, and not fewer, rules for military intervention. There will not be an attempt to overturn the norm of non-intervention or norms around sovereignty, but rather to update these concepts. The Report is being presented as reflective of accumulated practice when states have responded to humanitarian crises. While it is recognized that the situation in Iraq poses challenges for this agenda, it is also possible to take the view that this will create a more favorable climate for the development of guidelines and rules with respect to the use of force.

Canadian government officials indicated that while there is opposition from a small minority of countries within the Non-Aligned Movement (NAM) about the aspects of the Report seen as treading on the sovereignty of states, it is felt that this group would take a rejectionist approach to anything new within the General Assembly. Despite general reservations about military intervention, there is a core of support within NAM, in particular amongst African states and increasingly in Latin America. The high level of participation in the commemorative event for Rwanda was taken as a further indication of the level of interest in ensuring that the international community will respond better to future crises than it has in the past. However, the question of capacity is a separate issue, with some concern about whether expressions of support could currently be translated into action in any region.

## *The Role of Civil Society and WFM- IGP's Consultation Process*

As part of the effort to involve civil society organizations in the process of promoting these important concepts and developing effective mechanisms to ensure their implementation, the Government of Canada held roundtable meetings with NGOs to discuss the future of the ICISS Report. Having received an affirmation that NGOs are likely to be interested in promoting and operationalizing the concepts in the Report, Canada approached WFM-IGP to solicit its support. A request was made that WFM-IGP become actively involved in reaching out to NGOs and other civil society actors in these next phases.

It is our view that as governments begin to look at the concepts and recommendations in the ICISS Report, civil society has a critical role to play in helping to determine whether and how to carry specific ideas forward, and in supporting their effective implementation. Their input will also help to ensure that other existing frameworks are considered, and ideas not included in the Report are brought to the table. In addition, civil society involvement in the evolution of norms that will move the international community beyond their reservations about the right to so-called 'humanitarian intervention' will be critical in reframing the debate.

*Over a period of approximately five months, WFM-IGP has conducted a preliminary consultation process with civil society organizations for the following purposes: to create awareness of the ICISS Report and the inter-governmental process; to deepen the debate within civil society organizations about the Report; to determine what relevant civil society activities are already taking place and how civil society organizations may become more deeply involved in this process; and to generate interest in continued involvement among civil society groups.*

To accomplish these goals with a limited amount of funding available, WFM-IGP carried out various types of activities, including organizing roundtable meetings to discuss the Report; monitoring the outcome of meetings about the Report organized by others; raising the Report at conferences and events on relevant issues; individual outreach; and the distribution of information materials and a questionnaire.

First, roundtable meetings were organized by WFM-IGP in the cities where there appeared to be a high level of awareness of the ICISS Report and one or more organizations had volunteered to co-host an informal session. These included New York, USA; Washington, USA; Ottawa, Canada; and Geneva, Switzerland.

Next, WFM-IGP took advantage of situations in which meetings relevant to this agenda were being planned, to distribute the Report and a questionnaire which paralleled the roundtable meeting agendas, and to generate discussion where circumstances allowed. One important opportunity was the World Social Forum in Porto Alegre, Brazil, which gathered approximately 100,000 NGOs from all regions of the world in January, 2003. At the Forum, WFM-IGP held a seminar on the Responsibility to Protect, distributed thousands of copies of basic information materials and the ICISS Report, took advantage of speaking opportunities on other panels to discuss the Report, and mentioned it from the floor of many seminars. Another opportunity to distribute the ICISS Report and the questionnaire to NGOs from all regions of the world and stimulate discussion of its key findings was provided by the International Service for Human Rights (ISHR), which invited WFM-IGP to speak at a training session for southern NGOs during the UN Human Rights Commission meeting in Geneva, Switzerland. WFM-IGP also attended a meeting of high level government, UN and NGO representatives from all regions of the world at Wilton Park in the United Kingdom.

Other organizations also held meetings on the Responsibility to Protect during this timeframe, and WFM-IGP was in touch with organizers prior to the meeting to help shape the goals and provide input into the agenda where appropriate.  Afterwards, WFM-IGP followed up with meeting organizers and participants to discuss the outcome, review any documents and reports, and where possible to invite organizers to participate in other events to share the ideas generated.  Such was the case with meetings held in Abuja, Nigeria and San José, Costa Rica; there will be a similar opportunity at an upcoming meeting in Burundi, among others.

Finally, WFM-IGP reached out individually to many NGOs, including human rights and humanitarian organizations, women's groups, peace organizations and policy groups in every region.  This was generally done through individual meetings, but was supplemented by phone conversations, email communication and distribution of the questionnaire.  The latter focused in particular on southern groups that had been involved in the development of the ICISS Report.

Through this variety of techniques to reach out to civil society organizations, WFM-IGP is confident that the following report is reflective of the views of a wide variety of civil society organizations from all regions of the world.

## III.   KEY POINTS OF DISCUSSION

Through the roundtables, individual meetings and questionnaires, WFM-IGP focused on obtaining input in several areas.  First, feedback on the ICISS Report itself was sought, to broaden the number and scope of civil society organizations consulted about the key findings and share this feedback with the governments most interested in promoting the Report.  Second, identification of the challenges and opportunities presented by the Report was considered important for both governments and civil society organizations as they deliberate over how to move this agenda forward.  Third and perhaps most importantly, ideas were generated about the type of activities that civil society organizations might undertake to 'operationalize' the concepts in the ICISS Report and related documents, and information was requested about relevant work in which NGOs are already engaged. Finally, some had the opportunity to comment on the inter-governmental process and strategy.


### *Feedback on the ICISS Report*

Throughout the consultation process, all individuals with whom WFM-IGP discussed the ICISS Report expressed general support for its contribution to the debate on how the international community should respond to emerging crises involving large scale loss of life.  Nevertheless, important critiques and reservations were also raised with regard to specific points or omissions.

Strong support emerged for the general principles and framework of the ICISS Report: the shift away from the term "humanitarian intervention" and the concept of a "right to intervene" to the "responsibility to protect"; the framing of the Report within a respect for national sovereignty and not as a challenge to it; the notion that the rights conferred on a sovereign state are also balanced with responsibilities; the case for the moral imperative that there is a responsibility to protect individuals from serious harm of the nature set out in the Report; the continuum of responsibilities from prevention to reaction to rebuilding; and the emphasis on prevention as the priority responsibility.  Both NGOs based in the south and international NGOs underlined the importance of the "pro-sovereignty framework" as a critical reason the Report will be more acceptable to southern governments and NGOs.  Although one or two individuals expressed the view that the Report moves too quickly from preventive measures to reactionary measures with too much emphasis on military responses, many others disagreed and said the most useful aspect of the Report is that it addresses the difficult question of what to do if and when preventive measures fail.

With respect to the threshold for action proposed in the ICISS Report, more than one humanitarian organization representative said that attempting to pinpoint which crises are the most serious and deserving of attention will be counterproductive for many organizations. It was expressed that the Report implies there are "normal" armed

conflicts and "extreme" armed conflicts, with the concern that lower standards of humanitarian law will be acceptable in the "normal" cases, and that all available resources will be diverted to the extreme situations.

Another issue that generated discussion was the Report's failure to consider the role of the corporate sector in both the analysis of the causes of conflict and the recommendations to address it. There was a strong expression of the need to examine the economic and commercial dimensions of conflict, reflecting the increasing awareness that corporations are often at the heart of conflict. This should include not only consideration of the degree to which corporations are causal forces, but also their potential to become positive actors for change. It was emphasized that this is a challenging area, understanding that while for-profit enterprises may be efficient in protection and rebuilding, they also have the highest stake in maintaining collegial relations with offending government actors. Nevertheless, there have been lessons generated, for example in the conflict diamonds process, and there are apparently steps being taken among NGOs to propose a policy framework on these issues.

The Report's emphasis on the Security Council was another important critique and is elaborated further in the discussion of challenges below. The concern relates to the central role proposed for the Security Council, a body often viewed within civil society as "deeply flawed", without full consideration of what should happen if the Council fails to act. Some participants stressed that allowing the Security Council as it is presently configured to be the final word on whether there is legitimacy in responding to an emerging crisis is not acceptable.

Other specific critiques of the Report included the following:

> the Report takes a very "top down" approach, for example by focusing on the United Nations, while much of the important work is going on nationally and regionally and needs to be recognized and supported
> there is a clear "protection hierarchy" which is not addressed completely in the Report; even if there is a general responsibility to protect the question is 'who is protected first?' and the answer is often westerners and peacekeepers, with women and children at the bottom of the list
> the emphasis on the responsibilities of sovereign states raises the question of what responsibilities a failed or collapsed state or rebel authorities would have and how they would be held accountable
> the question of whether states, regional bodies or others would be responsible for rebuilding is not addressed, and the dilemma of the essential need to have the involvement and endorsement of a national government to undertake any meaningful reform is ignored
> women are "not in the Report except as rape victims"; their contributions are not recognized and their perspectives not included
> Just War theory, upon which the Principles for Military Intervention are based, is a "last resort emphasis" and there may in fact be situations in which intervention would

be justified but which do not meet the "last resort" requirement; the example given was the possibility of release of a biological agent

Many of those consulted about the ICISS Report by WFM-IGP focused their comments not on genuine critiques of the content of the Report, but on concerns that it is relatively easy to achieve agreement on paper about basic principles and extremely difficult to reach consensus in their application. Several pointed to the threshold of when the Responsibility to Protect would be triggered as a key example: wording such as "large scale loss of life" and "large scale ethnic cleansing" is considered vague and difficult to apply cleanly to real situations. One roundtable participant felt strongly that the threshold should be a potential genocide as defined in the Genocide Convention. While this would narrow the number of situations that would give rise to a responsibility of the international community to respond, others expressed strong views about the need to apply a human rights framework, which would effectively broaden the scope of situations triggering the responsibility to protect.

Similarly, participants in one roundtable discussion said the Report is "too tidy", in the sense that it implies there can be consensus on the application of principles for military intervention. The concern was that while there can be consensus about the principles, their application will almost always be controversial and challenging, with governments, NGOs and individuals reaching a variety of conclusions and even holding contradictory perspectives themselves. This will be exacerbated by the different vantage points that people have when a conflict is emerging. In addition, it was consistently emphasized that this agenda will be deeply complicated by the current international political climate, including the war on terrorism, the recent war in Iraq, and the attempt to redefine "self-defense" to justify pre-emptive military measures; the potential for manipulation of the principles for military intervention by self-interested governments was the subject of much discussion and is elaborated below.

Overall, there was a strong emphasis among all those consulted on the critical need for the international community to become better prepared to respond to emerging conflicts involving the potential for large scale loss of life. Unfortunately, there is a strong consensus around the inevitability of future crises of the magnitude of Rwanda, Cambodia, East Timor, Kosovo, and so many others, giving rise to a general appreciation of the ICISS Report and its catelyst role in getting these issues back on the table.

Interestingly, participants in several meetings raised the possibility that the Responsibility to Protect could also be applied to other areas, for example to strengthen economic, social and cultural rights.

## *Challenges and Opportunities Going Forward*

Each of the roundtable meetings and many individual meetings included consideration of the challenges and opportunities of promoting and operationalizing the concept of the Responsibility to Protect. The current international political climate was inevitably the

focal point of much of this discussion, particularly in light of the on-going 'war on terrorism' and the start of the war in Iraq during this consultation process.

*All agreed that the current international economic, political and military dominance of the USA creates the lens of whether the ICISS Report could be used to give the US government and its allies more or less power.* Many pointed to the danger that the principles in the ICISS Report will be "highjacked" and used to reinforce the interests of the world's major powers. One roundtable participant expressed the view that the Iraq war will put the entire concept of protection at risk, as people will now have a visceral reaction to any proposed form of intervention. Another pointed out that a general cynicism about the motivations of governments, as a result of the wars in Afghanistan and Iraq, will prevent people from hearing the true debate. This may be particularly true in regions such as Latin America and Asia where a strong reticence about intervention already exists.

Another issue complicated by the Iraq situation is *the question of the legitimacy of the use of force by "coalitions of the willing."* Response by a group of countries might seem favorable in the case of a potential genocide when the Security Council failed to act due to domestic political considerations of its members. Nevertheless, most would agree on the extreme dangers of legitimizing the sidestepping of the United Nations when it refuses to endorse military intervention, reflecting world opinion (as was the case with Iraq for example). Southern groups often emphasized that responses by regional bodies would provide an important means of addressing this concern.

Several other key points were raised with respect to the current international political climate. First, NGOs are being affected in their ability to work on prevention and protection by some of the new anti-terrorism mechanisms, for example those that impose penalties on individuals or organizations deemed to have contact with terrorist organizations. Second, conflicts are now being redefined, with a new notion of 'self-defense' interventions, alliances between militias and governments (such as in Afghanistan), new weapons, and new questions about command responsibility. Finally, on a much larger scale, the role of multilateral institutions is changing, and this is being exacerbated by the attempt of the US government to equate its national political and economic interests with the global interest; this "profoundly confuses any discussion and polarizes the debate". These realities have emerged since the release of the ICISS Report.

While these points relate mainly to the promotion of the concept of the Responsibility to Protect, *there will also be challenges in terms of ensuring better responses from governments to emerging crises*, which relate both to political will and capacity. One of the challenges highlighted by participants is the gap between the commitment of governments to respond to humanitarian crises and the embodiment of this commitment into national foreign and defense policy. It was pointed out that the Canadian Government itself is in this category, despite the human and financial resources being devoted to the promotion of the ICISS Report and its operationalization at the international level.

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There is deep skepticism about the potential for UN Member States, in particular members of the Security Council, to put aside national foreign policy concerns to respond earlier and more appropriately to emerging crises. This skepticism is most prevalent among governments and NGOs in countries and regions, such as Africa, where some form of response from the international community was needed to avert or lessen the impact of a serious humanitarian crisis and no response was forthcoming. Nevertheless, unlike the campaign for the International Criminal Court, the landmines campaign and others, it will not be possible to go around the major powers as there will be a need for support from the five Permanent Members of the Security Council to take action. Some also emphasized that it is not only a lack of political will on the part of individual governments that will create challenges, but also on the part of the UN as an institution, for eg. within the Department of Peacekeeping Operations (DPKO).

While regional organizations seem to be increasingly interested in playing a role in responding to conflict and the AU, EU and OSCE have excellent examples of regional conflict prevention mechanisms, some feel there will also be challenges related to political will in some regions. Africa was the focus of one such comment, where it was noted that nothing is being done about Robert Mugabe or Charles Taylor, and Muammar Gaddafi has been elected as the chair of the Human Rights Commission. At the same, this seems to emerge more on a case-by-case basis and is not specific to a particular region.

*Many also strongly emphasized that a key question is what true capacity exists at the UN and in regional bodies to respond quickly and effectively to these crises, even where the political will exists.* In this regard, it was emphasized that it will be very important to focus on the availability of resources. There is also a concern that a Western agenda will be predominant, highlighting the need to focus on capacity-building at the regional level. This will be easier in regions such as Africa and Latin America were regional and sub-regional organizations are already committed to this agenda, and more challenging in regions where such bodies do not emphasize security or peace building, such as in Asia.

*There will also be challenges in engaging civil society* in promoting and operationalizing the concept of the Responsibility to Protect. The most important of these lies in the difficulty of developing organizational positions on what types of responses to emerging crises are appropriate, with the question of whether to call for military intervention being the most challenging and controversial. It may be possible to generate considerable agreement about appropriate responses in theory, including what tests should be used to determine whether a military intervention should be called for, yet there will almost inevitably be considerable disagreement about the application of these principles to a particular situation.

It is important to highlight the different mandates of NGOs in this regard. While these mandates are not absolute and all organizations struggle with their relevance and application to real situations, they are instructive nonetheless. Most *humanitarian organizations* have a code of conduct that commits them to neutrality and impartiality, as

their main concern is to ensure that they can respond to the needs of all parties. This makes it difficult for them to call for or endorse particular responses to a crisis. Nevertheless, the way this is interpreted varies even among humanitarian organizations. It was noted in several meetings that humanitarian organizations have in fact called for military intervention, in particular in some situations that emerged in the 1990s, yet there has been a general retreat again in recent years from playing an advocacy role.

Most *human rights organizations* also maintain a position of impartiality and neutrality, refraining from commenting on the legality of a conflict but taking strong positions on the conduct within conflicts. This is a central focus of both Human Rights Watch and Amnesty International. At the same time, Human Rights Watch has adopted a policy to call for military intervention under very specific circumstances. While Amnesty International has indicated in the past that is unlikely to have such a policy (the organization held the view that every humanitarian crisis can be prevented if the political will exists), this policy appears to be under review. Other human rights organizations that were consulted have not determined whether they would be willing to adopt such a policy, but in internal discussions one of the central concerns raised regarding so-called humanitarian interventions has been the lack of consistency, suggesting that some lives are valued more than others. Nevertheless, the general view was that NGOs feel the need to develop policies around military intervention, and that an increasing number will be willing to call for such intervention when other responses have failed to avert a crisis and other conditions are met.

For development agencies these questions may be more straightforward, and there is an effort to get development groups to integrate conflict resolution into their mandates.

Interestingly, it was noted that despite the support for an emphasis on prevention, most NGOs do not actually have the mandate to undertake prevention activities. There was some discussion at the roundtables about the potential for humanitarian organizations to play an advocacy role at earlier stages, for example to call for diplomatic responses to an emerging conflict or the use of other preventive measures. Some participants expressed the view that this kind of activity is also prohibited by the principle of neutrality, while others said that such roles are contemplated in international law. The example provided was a provision in the Additional Protocols to the Geneva Conventions that calls for fact finding missions. Humanitarian organizations including the ICRC do not usually consider such aspects of the Conventions; some participants felt that these organizations could call for the use of this and other mechanisms and measures for prevention and protection while remaining well within their mandate. There was agreement that humanitarian organizations are not in violation of the principle of neutrality when they indicate to governments the humanitarian consequences that would result from the various options available to them.

In addition, obtaining the support and involvement of civil society organizations is made more difficult by the following: there is great skepticism about the potential of achieving more consistency in UN responses, or responses that are not based on self-interested national foreign policy considerations; as the Responsibility to Protect framework

embodies a range of elements from prevention to reaction to rebuilding, it will be easiest for organizations to focus on the uncontroversial question of prevention and not deal with the much more difficult issues surrounding a potential endorsement of intervention; and there will be some challenges in ensuring that those working on the protection of civilians, conflict prevention, improving peacekeeping etc. do not see the work on developing principles for military intervention as undermining their work in these other areas.

Other specific challenges highlighted during the consultation process included the following:

> the disproportionate attention by governments and major media outlets to situations of interest to the major powers, as well as to the most high profile responses such as military intervention

> the unwillingness on the part of those who undertake military action to ensure proportionality, and to respect other laws of war

> the blurring of objectives for a conflict, for example the objective of protecting the civilian population from harm versus a change in the regime that is perpetrating the harm

> from an operational perspective, there is a "fundamental disconnect" between the call for coalition-building in response to crises and the need to set clear objectives for missions as the need for consensus within coalitions can preclude clear objectives

> a structural problem exists with regards to the protection of internally displaced person (IDPs): the responsibility for the coordination of the protection response to IDPs lies in most situations with the UN Resident Coordinator, who often has a UNDP background; UNDP has very close relations with national governments, which means there may little room to advocate for the improvement of the protection response, in particular when the government itself is responsible for causing the displacement

*With respect to opportunities*, it was noted by Washington-based NGOs that despite the ominous feeling about the state of international relations, the US government now also understands that disintegrating governments are fertile grounds for organizations that destabilize regions (reinforcing the findings of the Hart-Rudman Commission that ending conflicts is in the US national interest). This could lead to a greater willingness to respond to situations such as that of Cote d'Ivoire, Burundi and others. Others noted that the wars in Afghanistan and Iraq could create a more favorable environment amongst other governments for the development of clear rules for military intervention as the approach of the major powers is perceived as a threat to the security of many nations around the world.

The presentation of the ICISS Report as involving more, rather than fewer, rules regarding military intervention, the fundamental premise of respect for state sovereignty embodied in the Report, and the emphasis on the important role to be played by regional and sub-regional bodies, could go far in some regions. This would be true for example in Latin America and Asia, where a natural skepticism about the agenda of Western governments promoting these issues remains. At the same time, for regions such as

Africa where there is a general perception of lack of interest by the international community in even the most serious of situations, the adoption of principles may be viewed as a way to ensure more even-handed responses.  A balance would need to be found between the desire to "set the bar high" so as not to justify unwanted interventions, while closing the escape routes resulting from lack of interest in particular situations or regions.  It is likely that many would support the development of international guidelines if the norm building could take place at the regional level.  At the same time, the emphasis on the responsibility of the United Nations is seen by some as allaying fears that regional organizations will not develop the capacity for effective response in all situations.

On the civil society side, despite the challenges of reaching consensus on specific responses, organizations are not only engaged in the discussion but have active programs on these issues. The experience that civil society groups have been developing at the local and national levels in preventing and responding to conflicts will be particularly beneficial.  For example, governments and inter-governmental bodies have much to gain from the practical experience of the women's movement operating in many parts of the world, and could draw on the views of those living and working in an affected country to determine the best response to an emerging crisis.

Again, despite the number of challenges highlighted in comparison with the opportunities, there was also a general feeling underlying all discussions that this agenda is critical and cannot wait for a more favorable international political climate.  In terms of approach, cross-regional dialogue is one important opportunity, for example through outreach from African governments and NGOs (where this agenda is relatively well developed and accepted) to other regions.


## *Potential Involvement of Civil Society in "Operationalizing" the Report*

In virtually every discussion of a potential role for NGOs flowing from the ICISS Report, there was a strong emphasis on the fact that much has been written about what needs to be done to ensure that the international community can respond earlier and more effectively to emerging crises. This includes in particular the Carnegie Commission report on the prevention of deadly conflict, the Brahimi Report, the ICISS Report, various reports of the UN Secretary General on the prevention of armed conflict and the protection of civilians, UNIFEM's report on the impact of conflict on women, and an increasing number of academic reports, books and papers.  Moreover, governments have already made clear commitments regarding the prevention of conflicts and protection of civilians by adopting various UN resolutions on these issues (please note in particular those referenced in Annex C).  *Thus the role of NGOs is not to develop the framework or obtain commitments on paper with regard to these issues, but rather to ensure that the United Nations and individual governments take their responsibilities more seriously and implement their commitments.*   This is a matter of developing the necessary political will as well as the capacity at the national, regional and international levels.

*Several tracks of potential civil society involvement emerged from the consultation process. The first relates to the promotion of norms.* This would be focused at all levels, including the United Nations and other international organizations, regional and sub-regional inter-governmental bodies, individual governments and civil society organizations. The norms would include the moral imperative for the international community to respond to an emerging situation of the type envisaged in the ICISS Report; the change in terminology from a "right of humanitarian intervention" to the "responsibility to protect"; the continuum of appropriate responses from prevention to reaction to rebuilding; the priority of preventive measures; and perhaps the need for principles for military intervention. It should be noted that the latter remains controversial among both governments and civil society organizations and will need to evolve slowly through appropriate consultation and consideration in both communities.

Activities within this category could include:

promoting south/south government and civil society dialogue on these issues
encouraging and providing input into the creation of a group of "like-minded" countries to push this agenda forward and developing close relationships with key governments in every region
disseminating not only the ICISS Report but other relevant documents such as those referenced above and in Annex C, including key UN resolutions on these issues
engaging in defining the threshold for international response to an emerging crisis
working to strengthen any relevant documents negotiated at the United Nations, such as the Conflict Prevention resolution currently being discussed
promoting the involvement of the corporate sector in this agenda
promoting dialogue within civil society organizations about the challenging mandate and policy questions of whether and when to call for military intervention in response to emerging crises of the type envisaged by the ICISS Report
promoting dialogue within civil society organizations about whether and how to adapt programs to operationalize key concepts in the ICISS Report
providing input into the development and promotion of principles for military intervention among governments, noting that this agenda must be allowed to emerge in its proper course and not forced upon governments in a politically volatile environment
making connections between relevant agendas such as the work on the various aspects of the human security agenda (for example the campaigns on landmines, child soldiers, small arms and the International Criminal Court)
beginning to incorporate "Responsibility to Protect language" into the work of civil society organizations, for example by framing aspects of the human security agenda as 'conflict prevention'
developing strong spokespersons on this agenda within UN agencies and elsewhere
promoting awareness of the key concepts in the ICISS Report among parliamentarians and encouraging the development of a network of parliamentarians committed to this agenda
educating the media about these issues and seeking opportunities to promote media coverage and media responsibility in conflict prevention efforts

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*The second track would focus on creating the political will for early and appropriate responses by governments as situations emerge.* Activities under the second track could include:

> information-gathering, in particular from sources that governments and others typically ignore such as civil society organizations in affected countries, and making this information widely available to decision-makers
> identifying when the threshold for international response has been crossed in a particular situation
> monitoring the agenda of the UN Security Council and promoting the addition of situations not on the agenda
> developing positions on appropriate responses to emerging conflicts and promoting these to individual governments, regional bodies, UN agencies, the General Assembly and the Security Council; an emphasis would be placed on prevention and non-military intervention, with some organizations willing to call for military intervention when such measures fail and other conditions had been met
> advocating that governments keep in mind the commitments set out in the Aide-Mémoire (see Annex C) as they develop operational mandates, for example to keep in mind the particular needs of women and children, ensure disarmament, etc.
> advocating that financial commitments be made for reconstruction efforts before an intervention is authorized under Chapter 7 of the UN Charter
> supporting the work of OCHA, the DPKO, the Office of the UN Secretary General, UNHCR, the High Commission for Human Rights and other UN agencies on this agenda

As noted in the Executive Summary, several NGO networks and individual organizations are already engaged in aspects of this work.

*The third and final track would involve advocating for the strengthened capacity of international organizations, regional and sub-regional bodies and individual governments to be able to respond in a timely and appropriate manner to emerging conflicts.* Activities in this category could include:

> advocating for resources for true conflict prevention at all levels and for various types of intervention, up to and for some, including, military intervention
> ensuring the structures and communication systems are in place for governments and inter-governmental bodies to access and translate into policy early warning information
> determining ways to engage the economic and social roles of the UN more in the prevention and protection agendas
> developing positions on the development of a civilian police force, including the potential need for recruitment on a single or a double volunteer basis
> promoting funding for and supporting the mandates of special representatives and rapporteurs

advocating for a regular reporting process on the capacity of international and regional organizations to respond to conflict

providing input into the Cardoso Panel which is looking at ways to improve UN/civil society cooperation

*It was noted at many meetings that there are many challenges for NGOs working to promote meaningful action in response to emerging conflict.* While many organizations are highly involved in the operational side of the prevention of conflict and protection of civilians, fewer are able to engage in advocacy roles. This is limited to a great extent by lack of human and financial resources, lack of access to decision-makers, lack of knowledge of the most effective ways of influencing the agenda of governments on these issues, gaps in coordination between those working at the United Nations and those with regional and national expertise, and gaps in information, particularly for NGOs with limited UN access.

*Thus greater involvement of civil society organizations from all regions would be contingent upon the provision of various types of support in implementing these activities*. In particular, the flow of information is critical. This includes information about which organizations are involved with this agenda; what they are doing; what their positions are with respect to specific situations; lessons learned on this agenda; and what relevant training is available. It also includes information about key developments at the United Nations on relevant issues; the upcoming agenda of the Security Council; the status of key UN resolutions; contact details for Security Council members and key government representatives in capitals that focus on the UN; lists of parliamentarians interested in these issues; and key media contacts.

Another important idea that emerged is the need for a mechanism at UN Headquarters to allow for greater cooperation and coordination amongst NGOs working on the prevention and protection agendas, and to create greater access for groups working on these issues in national capitals. Again, some of this coordination is already occurring amongst those NGOs with UN offices. The development of information and campaign resources is also important, as is the monitoring of opportunities for public education and media awareness events and the coordination of these activities.

*At several meetings, the possibility of creating an NGO network on these issues was raised*, and this is something which requires further consideration and discussion. One approach would be the creation of an NGO human security network to work in parallel with the inter-governmental network, drawing together the key coalitions on human security issues (small arms, child soldiers, ICC etc.). At one of the roundtable discussions (in November 2002 in New York City), participants took the time to discuss the potential mandate, composition and role of any network that emerged. Key points raised included the following:

it is very important that any network add value to and not duplicate the efforts of civil society organizations already engaged in this work (some examples are provided in Annex B and in the Executive Summary)

a potential network should not try to provide an umbrella for all of the work being undertaken in terms of prevention (in particular root cause prevention) and other aspects of the Responsibility to Protect agenda, but rather should focus on the three sets of activities set out above that emphasize the response of governments (ie. norm-building and creating the political will and capacity for early and effective response)
approaching the implementation of the concepts through issue-specific and country-specific approaches would be one useful way that a network could begin its work, again bearing in mind that networks already exist on relevant issues, for example the Watch List on Children and Armed conflict and the Working Group on Women, Peace and Security, and that these agendas could not be subsumed under a broader agenda
a network should rarely take action in the name of all the organizations involved but should provide opportunities for collaboration while allowing organizations to take individual positions
a critical function of a network secretariat would be the collection and dissemination of information of the type mentioned above, and serving as a focal point for liaising with governments
it should not be mandatory for participating organizations to have a position on all types of responses to emerging crises, for example on military intervention
it would unlikely be a useful approach to try to involve a high level personality, particularly at this stage

Interestingly, many emphasized that civil society organizations are already engaged in many important operational activities with respect to parts of the agenda and *there was no general sense of a need to ensure closer cooperation on the operational side for NGOs.* Examples of civil society involvement mentioned during this consultation process are provided in Annex B.

## *Feedback on the Inter-Governmental Process*

At the roundtable meeting in Ottawa, Canada, an important opportunity was provided by Canadian Government officials for NGO input into the inter-governmental plans to take forward the Responsibility to Protect agenda, and it is worth outlining the key points raised. In particular, feedback was requested on whether the best strategy is to focus on developing the normative framework by seeking support for a resolution or political declaration, or concentrate resources on operational issues (the "just do it and don't call it a doctrine" approach according to one Canadian Government official).

Civil society representatives at the meeting overwhelmingly held the view that while the development of norms is clearly important, this process must be allowed sufficient time to evolve. The clear response was that the codification of norms should be a long-term goal, with the development of guidelines for Internally Displaced Persons (IDPs) a relevant example. Nevertheless, participants emphasized that the time does not appear ripe to move towards the development of principles for military intervention. The danger in moving too quickly lies in the compromises that can result; some human rights law fell victim to such compromises, resulting in weak legislation that is now difficult to modify

significantly. The possibility was raised of ending up with a document that does not reflect even the current state of evolution of the doctrine.

Participants were also in agreement that many commitments have already been made by governments to respond earlier and more appropriately to emerging crises and thus the short-term goal must be to ensure adherence to these commitments. Nevertheless, it was emphasized that there is no dichotomy between the short-term goal of getting governments to fulfill existing commitments and the long-term goal of developing a stronger sense of the moral imperative for governments to respond to emerging humanitarian crises.

## IV.   CONCLUSION

There appears to be strong consensus among civil society organizations from all regions that there is considerable work to be done to strengthen both the capacity and the political will of the international community to respond more effectively to newly emerging crises involving the potential for large scale loss of life, building upon the work already being undertaken.   There is a strong belief that we are no better equipped to handle another Rwanda, Uganda, Cambodia, East Timor, Haiti, Bosnia or Kosovo, despite the fact that several current situations and conflicts have the potential to escalate to involve the unspeakable atrocities committed in these and many other countries.   Individual governments, regional and sub-regional bodies and international organizations have made strong commitments to prevent such situations from escalating, and to place the protection of civilians at the center of any response.  Holding them accountable to fulfill these commitments is one of the most important contributions civil society organizations can make in this process.

This report only begins to scratch the surface of how this enormous agenda may be achieved. Nevertheless, it is hoped that it contains useful ideas for increased involvement by civil society organizations and will stimulate the important discussion about mandates and policies that would pave the way.  WFM-IGP is itself committed to this process, as are other organizations and networks, and looks forward to continued collaboration on these issues.  We wish to express our deep gratitude to the John D. and Catherine T. MacArthur Foundation and the Government of Canada for their interest in and financial support of this process.  We would also like to thank the Canadian Government officials who presented the inter-governmental process and made other valuable contributions at the roundtable meetings and to all those who took the time to participate in this consultation process.

**Annex A**

## <u>PARTICIPANTS IN CIVIL SOCIETY ROUNDTABLE MEETINGS*</u>

| | |
|---|---|
| James Matlack | American Friends Service Committee |
| Julie Merdith | American University |
| Yvonne Terlingen | Amnesty International, UN office |
| Alex Neve | Amnesty International Canada |
| Greg Puley | Arias Foundation |
| Mary Mulle | Bosnia Support Group |
| Paul LaRose-Edwards | CANADEM |
| Thomas Fetz | Canadian Mission to the United Nations, Geneva |
| Karen Hamilton | Canadian Council of Churches |
| Isabelle Daoust | Canadian Red Cross |
| Chris Bjornstad | Canadian Peacebuilding Coordinating Committee |
| David Bryer | Centre for Humanitarian Dialogue |
| E.J. Vincent | Cheval Rouge |
| Peter Stockdale | CPCC Conflict Prevention Working Group |
| Lois Wilson | CPCC Gender Working Group |
| Justin Gilstrap | Eisenhower Memorial Commission |
| Jeanne Sulzer | Fédération Internationale des Ligues des Droits de l'Homme |
| Tim Barner | Friends Committee on National Legislation |
| Bridget Moix | Friends Committee on National Legislation |
| Pauline Baker | Fund for Peace |
| Jason Ladnier | Fund for Peace |
| George Hofmann Jr. | George Washington University |
| Renee Acosta | Global Impact |
| Don Hubert | Government of Canada, Department of Foreign Affairs |
| Stephanie Power | Government of Canada, Department of Foreign Affairs |
| Patrick Wittmann | Government of Canada, Department of Foreign Affairs |
| Edward Hughes | Interaction |
| Leah Levin | International Alert |
| Shaazka Beyerle | International Center on Nonviolent Conflict |
| Bertrand Kern | International Committee of the Red Cross |
| Alexandre Faite | International Committee of the Red Cross |
| Robert Archer | International Council on Human Rights Policy |
| Simon Chesterman | International Peace Academy |
| Doug Brooks | International Peace Operations Association |
| Joseph Aguettant | International Rescue Committee |
| Abebe Hailu | Law consultant, Ethiopia |
| Tara Ashtakala | Lawyers for Social Responsibility |
| Michael Lund | Management Systems International |

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|---|---|
| Esther Epp-Tiessen | Mennonite Central Committee |
| Bill Janzen | Mennonite Central Committee |
| Jerry Prince | National Spiritual Assembly of the Baha'is of the US |
| Stephen Baranyi | North-South Institute |
| Nicola Reindorp | OXFAM International Advocacy |
| Lowell Ewert | Peace and Conflict Studies, Conrad Grebel University College |
| Debbie Grisdale | Physicians for Global Survival (Canada) |
| Mark Epstein | Physicians for Social Responsibility |
| David Atwood | Quaker UN Office |
| Thomas Weiss | Ralph Bunche Institute for International Studies |
| Cliff Bernath | Refugees International |
| Jane Barry | Save the Children UK |
| Joel McClellan | Steering Committee on Humanitarian Response |
| Peter Walker | Tufts University |
| Elaine Harvey | Unitarian Universalist Association |
| Choice Okoru | United Church of Canada |
| Steve Mason | United Nations Association-Canada |
| Laurie Priddy | United Nations Development Program |
| Bill Lahneman | University of Maryland |
| Carola Weil | University of Maryland |
| Christophe Timura | University of Michigan |
| Michael Harwood | US Department of State |
| Taylor Seybolt | US Institute of Peace |
| Geert Ahrens | Woodrow Wilson Center |
| Ann Marie Clark | Woodrow Wilson Center |
| Ambassador Erins | Woodrow Wilson Center |
| Lisa Freeman | Woodrow Wilson Center |
| Show Ei Tun | Woodrow Wilson Center |
| Anita Wright | Woodrow Wilson Center |
| Maggie Gardner | World Federalist Association |
| Heather Hamilton | World Federalist Association |
| Simon Rosenblum | World Federalist Movement-Canada |
| Fergus Watt | World Federalist Movement- Canada |
| Rik Panganiban | World Federalist Movement |
| Lizzie Rushing | World Federalist Movement |
| Kathy Vandergrift | World Vision |

## MEETING CO-ORGANIZERS

| | |
|---|---|
| Kathleen Hunt | CARE International |
| Rory Mungoven | Human Rights Watch |
| Ed Schenkenberg | International Council of Voluntary Agencies |
| Ernie Regehr | Project Ploughshares |
| Larissa Fast | Project Ploughshares |

| | |
|---|---|
| Peter Gantz | Partnership for Effective Peace Operations |
| Don Kraus | Partnership for Effective Peace Operations |
| Anita Sharma | Conflict Prevention Program, Woodrow Wilson Center |
| Lenore Hickey | World Federalist Movement-Institute for Global Policy |
| William Pace | World Federalist Movement-Institute for Global Policy |
| Jayne Stoyles | World Federalist Movement-Institute for Global Policy |

\* Note that as detailed in this report, consultations were also held with hundreds of other civil society representatives from all regions of the world through individual meetings, email communication, the distribution of a questionnaire, side events at regional conferences, and through other meetings and events.

**Annex B**

<u>**EXAMPLES OF CIVIL SOCIETY INVOLVEMENT IN
RESPONSIBILITY TO PROTECT**</u>

During the consultation process, the following examples were provided of activities of civil society organizations themselves in the operational side of the Responsibility to Protect, with an emphasis on networks. This is by no means a comprehensive list of the vast array of such activities worldwide. It includes:

the many campaigns related to human security issues such as those on small arms, child soldiers, the International Criminal Court and others

anti-impunity work such as the promotion of universal jurisdiction and the work of national NGOs to bring perpetrators of serious international crimes to justice at the national level

the attempt to provide better coordination of conflict prevention work through the efforts of the European Centre for Conflict Prevention (ECCP) and the national and regional networks developing and liaising with this initiative

the Watch List on Children and Armed Conflict

the NGO Working Group on women, peace and security, developed in part to monitor the implementation of UN Resolution 1325

the NGO Security Council Working Group

Global Action to Prevent War

the Steering Committee on Humanitarian Response

the work of early warning organizations such as FEWER and International Alert and which also play a role in peace and reconciliation

the work of the peace and disarmament communities

the production by ICHRP of a report entitled "Human Rights Crises: NGO Responses to Military Interventions", which reviews the various perspectives of human rights NGOs with regard to the question of military intervention and was developed in parallel with the ICISS Report

the work of the Woodrow Wilson Center on the prevention of failed states

the Partnership for Effective Peace Operations (PEP) based in Washington, DC, which works to bring together NGOs, academics and practitioners to talk about issues related to peace operations as broadly defined

a similar initiative in Canada called the Canadian Peacebuilding Coordinating Committee

NGOs such as Search for Common Ground, the Carter Center etc. which do have a mandate on intervention and are playing a role in facilitating a dialogue between civil society and governments on these issues

the work of the Fund for Peace, which is taking a regional approach and has a two-year program to bring groups together to answer the question of when military intervention can be justified

## Annex C

## <u>DOCUMENTS DISTRIBUTED AT ROUNDTABLE MEETINGS</u>

**<u>UN Documents and Reports</u>**
S/2002/1300 Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (26 November 2002)
http://ods-dds-ny.un.org/doc/UNDOC/GEN/N02/712/97/PDF/N0271297.pdf?OpenElement

S/2001/331 Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (30 March 2001)
http://wwww.reliefweb.int/w/Rwb.nsf/s/873B87DFA5E78ABB85256A2B005DD129

S/1999/957 Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (8 September 1999)
http://www.reliefweb.int/library/documents/civilian.html

S/RES/1460 – Security Council Resolution (30 January 2003)
On Children and Armed Conflict
http://ods-dds-ny.un.org/doc/UNDOC/GEN/N03/231/16/PDF/N0323116.pdf?OpenElement

S/RES/1441 – Security Council Resolution (8 November 2002)
On the situation between Iraq and Kuwait
 http://ods-dds-ny.un.org/doc/UNDOC/GEN/N02/682/26/PDF/N0268226.pdf?OpenElement

S/RES/1379 – Security Council Resolution (30 August 2001)
On Children and Armed Conflict
http://ods-dds-ny.un.org/doc/UNDOC/GEN/N01/651/10/PDF/N0165110.pdf?OpenElement

S/RES/1366 - Security Council Resolution (20 November 2001)
On the Role of the Security Council in the Prevention of Armed Conflict
http://ods-dds-ny.un.org/doc/UNDOC/GEN/N01/524/48/PDF/N0152448.pdf?OpenElement

S/RES/1327 - Security Council Resolution (13 November 2000)
On the Implementation of the Report on the Panel of UN Peace Operations
http://ods-dds-ny.un.org/doc/UNDOC/GEN/N00/745/04/PDF/N0074504.pdf?OpenElement

S/RES/1325 - Security Council Resolution (31 October 2000)

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On Women, Peace, and Security
http://ods-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement

S/RES/1296 - Security Council Resolution (19 April 2000)
On the Protection of Civilians in Armed Conflict
http://ods-dds-ny.un.org/doc/UNDOC/GEN/N00/399/03/PDF/N0039903.pdf?OpenElement

S/RES/1265 - Security Council Resolution (17 September 1999)
On the Protection of Civilians in Armed Conflict
http://ods-dds-ny.un.org/doc/UNDOC/GEN/N99/267/94/PDF/N9926794.pdf?OpenElement

S/RES/1261 - Security Council Resolution (30 August 1999)
On Children and Armed Conflict
 http://ods-dds-ny.un.org/doc/UNDOC/GEN/N99/248/59/PDF/N9924859.pdf?OpenElement

S/ PRST/2002/6 UN Security Council Presidential Statement Aide Memoire
On Protection of Civilians in Armed Conflict Issues and Options
Includes: Primary Objectives, Issues for Consideration, and Precedents
http://ods-dds-ny.un.org/doc/UNDOC/GEN/N02/288/93/IMG/N0228893.pdf?OpenElement

A/55/305-S/2000/809
Report of the Panel on United Nations Peace Operations, Comprehensive Review of the whole question of Peacekeeping Operations in all its aspects (21 August 2000)
http://www.un.org/peace/reports/peace_operations/

A/56/732 Implementation of the recommendations of the Special Committee on Peacekeeping Operations and the Panel on United Nations Peace Operations (Report of the Secretary-General – Comprehensive review of peacekeeping and all its aspects (21 December 2001)
http://www.un.org/peace/reports/peace_operations/


**Other Articles, Reports, Speeches**
"Debating Humanitarian Intervention," by Gareth Evans and Mohamed Sahnoun, Foreign Affairs, November/December 2002

"The Preventable Genocide" Executive Summary of the Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda
full report available at: www.oau-oau.org

Prevention of Armed Conflict SG Report Summary (Lenore Hickey, WFM, July 2001)

Statement by Ambassador Paul Heinbecker Permanent Representative of Canada to the United Nations to the 57th Session of the United Nations General Assembly on Item 44: Follow-up to the Outcome of the Millennium Summit and Item 10: Report of the Secretary-General on the work of the organization, New York, October 2002 www.un.int/canada/s-15Oct2002Heinbecker.htm

Secretary-General Address to the "The Responsibility to Protect" report launch (NY) 15 February 2002 http://www.un.org/News/Press/docs/2002/sgsm8125.doc.htm

Excerpts from the American Society of International Law Proceedings of the 96th Annual Meeting: "The Evolving Intervention Regime in Africa: From Basket Case to Market Place?" Jeremy Levitt, Washington, DC, March 2002

Foreword to Amnesty International Report 2000: "Soldiers In the Name of Human Rights," Pierre Sane - Amnesty International Secretary-General, London, 2000

2001 ICISS Regional Consultations with NGOs

**Annex D**

# ICISS REPORT SUMMARY

*The following summary has been reproduced from a report of a seminar on the Operational Dimensions of Intervention, Project Ploughshares, September 5-6, 2002, Waterloo, Canada.*

The ICISS Report was released at the end of 2001, and focused on the issue of international intervention.  The ICISS Commission responded to a call from the UN Secretary-General to "forge unity" around the questions plaguing the issue of intervention.  The resulting Report reframes the debate around intervention in terms of an obligation to protect populations at risk, and away from the "right of states to intervene." In doing so, the Report offers a new language with which to talk about some of the toughest issues facing us in today's world.

The Report argues that state sovereignty entails certain responsibilities toward a state's own population, and in particular, providing for the basic safety of its citizens.  When a state fails in its duty and is not protecting (or indeed, is targeting) its citizens, the international community has a duty to come to their aid.  The Report thus emphasizes a holistic view of intervention that includes prevention, reaction and rebuilding.  More specifically, protecting civilians involves first implementing a range of actions to *prevent* atrocities and address the root causes of conflict.

When these actions fail, the Report obliges the international community to *react*, intervening militarily if necessary and only in extraordinary circumstances.   In making this decision to react with military force, the Report emphasizes a series of precautionary principles, including the criteria of just cause (the threshold conditions), right intention, last resort, proportional means, reasonable prospects, and right authority.  Its goal is to prevent "another Rwanda."

Last, the Report calls upon the international community to help *rebuild* a country after an intervention.  This phase involves assistance with the recovery, reconstruction, and reconciliation components of the transition to a more peaceful society.  This holistic view of intervention in general suggests that protecting civilians and vulnerable populations is a fundamentally different question and operation than fighting a war.

The ICISS Report can be found on-line at: http://www.ciise-iciss.gc.ca/report-e. asp